

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the remarks made herein.

Claims 1-7 are pending and stand rejected.

Prior to responding to the reasons for rejecting the claims in the Instant Office Action, applicant, through his attorney, would note that the rejection of the claims has been maintained for the same reasons recited in prior Office Action, i.e., claims 1, 2, 6 and 7 were rejected under 35 USC 102(e) as being anticipated by McDevitt in view of Skeen and claims 3-5 were rejected under 35 USC 103(a). As applicant noted in the response to the last Office Action, the rejection of claims 1, 2, 6 and 7 should have been a rejection under 35 USC 103, and not 35 USC 102, and responded accordingly. However, this rejection has been repeated in the Instant Office Action. Thus, applicant will respond to the rejection of 35 USC 102.

Claims 1, 2, 6 and 7 stand rejected under 35 USC 102(e) as being anticipated by McDevitt in view of Skeen, as per office action paper dated 1/13/2005.

Applicant respectfully disagrees with and explicitly traverses the reason for rejecting the claims.

The law regarding anticipation is quite clear, "[a]nticipation requires the presence, in a **single prior art reference** disclosure, of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added)

With regard to the rejection of independent claims 1 and 7, applicant submits that the reason for the rejection is not sustainable as two references have been impermissibly combined to allegedly recite all the elements recited in the claims.

Having shown that the reason for the rejection is not valid, applicant submits that the rejection has been overcome and respectfully requests that the rejection be withdrawn.

With regard to claims 2 and 6, these claims ultimately depend from claim 1, which has been shown to contain subject matter not disclosed in the cited references. Accordingly, these claims also contain subject matter not disclosed in the cited references

by virtue of their dependency upon claim 1. Hence, for the same reasons recited with regard to claim 1, applicant respectfully requests withdrawal of the rejection and allowance of the claims.

Claims 3-5 stand rejected under 35 USC 103(a) as being unpatentable over McDevitt in view of provided reference entitled "Java 2 Platform, Enterprise edition, J2EE," by Bill Shannon.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With regard to claims 3-5, these claims depend from claim 2, which depends from claim 1, which has been shown to contain subject matter not recited by McDevitt. The Shannon reference represents a specification that describes a standard architecture for JAVA that is composed of a standard J2EE application model, a J2EE platform and a J2EE compatibility test suite. Shannon fails to teach or suggest "a software architecture ... of generic and specific requirements," as is recited in the claims.

Accordingly, the dependent claims are also allowable by virtue of their dependency upon allowable base claims. Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Although the last Office Action was made final, this amendment should be entered. No matter has been added to the claims that would require comparison with the prior art or any further review. The amendment therefore should be entered without requiring a showing under 37 CFR 1.116(b).

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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Date: August 24, 2005

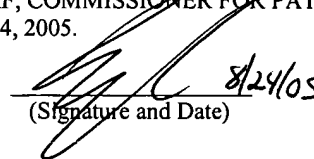
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